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ANNUAL REPORT
OF THE
Directors and Warden
OF THE
Montana Penitentiary



To the Governor of the Territory of Montana,
FOR THE YEAR 1873.

NEW NORTH WEST,
DEER LODGE, MONTANA.
1873.

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Officers and Guards.

—236—

*Roll of Officers and Guards on duty at the Montana
Penitentiary on the 15th of November, 1873.*

DIRECTORS.

- | | | | | | | |
|----|-------------------|---|---|---|---|-------------|
| 1. | GRANVILLE STUART, | - | - | - | - | DEER LODGE. |
| 2. | HUGH DUNCAN, | - | - | - | - | DEER LODGE. |
| 3. | J. H. ROBERTSON, | - | - | - | - | DEER LODGE. |

OFFICERS.

- | | | | | | | |
|----|------------------|---|---|---|---|----------------|
| 1. | C. P. ADRIANCE, | - | - | - | - | WARDEN. |
| 2. | O. B. WHITFORD, | - | - | - | - | PHYSICIAN. |
| 3. | RICHARD HARRIS, | - | - | - | - | SUPT. OF YARD. |
| 4. | GEORGE PASCOE, | - | - | - | - | GUARD. |
| 5. | F. J. CALENBERG, | - | - | - | - | GUARD. |
| 6. | WM. F. SHANLEY, | - | - | - | - | GUARD. |

LAW GOVERNING THE PENITENTIARY.

AN ACT

To regulate and govern the Montana Penitentiary, passed May, 1873.

SECTION 1.—Be it enacted by the Legislative Assembly of Montana Territory, that for the government and management of the Penitentiary at Deer Lodge City, in this Territory, there shall be appointed by the Governor, by and with the advice and consent of the Council, on or before May the 10th, A. D. 1874, three Directors, who shall hold their office until the first day of February, A. D. 1875, and thereafter he shall appoint three Directors, by and with the advice and consent of the Council, who shall hold office for the term of two years. Each Director, before entering upon the discharge of the duties of his office, shall execute to the Territory of Montana a good and sufficient bond in the sum of three thousand dollars, for the faithful performance of his duties, to be approved by the Secretary of Territory, and take and subscribe to an oath of office which shall be endorsed upon his commission.

SECT. 2.—Said Directors shall, at their first meeting after the taking effect of this Act in May, 1873, and annually at their meeting in January thereafter, elect one of their number President of the Board and one of their number Secretary of the Board.

SECT. 3.—A majority of the Board shall constitute a quorum for the transaction of business, and no order of the Board shall be valid unless it is entered on the journal and is concurred in by two of its members.

SECT. 4.—It shall be the duty of the Directors to prescribe rules and regulations for the government of the Prison, specifying the duties of all its officers and employees, and to revise and change the same from time to time as circumstances may require. At least two of the Directors shall visit the Prison in company bi monthly at a time to be by them agreed upon, and examine every department of the Prison, and audit all claims against it. All of the Directors shall meet at the Penitentiary on the second Tuesday of May, August, and November, A. D. 1873, and thereafter quarterly, commencing on the second Tuesday in February, 1874, and in addition to the duties above prescribed shall examine the books of the Warden, and everything touching the management of the Prison, to enter on their journal the result of all examinations, and all orders and official acts; the same shall be signed by the Directors present on or before November fifteenth of each year; to report to the Governor the condition of the Prison, together with a detailed statement of its receipts and expenditures, and such suggestions as its interests may require.

SECT. 5.—The Governor shall, by and with the advice and consent of the Council, appoint a Warden, who shall take an oath or affirmation to faithfully discharge the duties of his office, and enter into a bond to the Territory of Montana, in the sum of five thousand dollars, with two good and sufficient freehold sureties, to be approved by the Directors, conditional for the faithful performance of the duties that may devolve upon him as such officer, and shall hold his office until the first Tuesday in February, A. D. 1874, and he shall appoint a successor of said Warden by and with the advice and consent of the Council, who shall hold office thereafter for a period of two years, unless sooner removed by the Governor.

SECT. 6.—The Warden shall reside in the Penitentiary, and it shall be his duty, 1st, to carefully supervise the government, discipline, and police of the Prison; to give all necessary directions to Guards and employees, and secure a careful and diligent discharge of their several duties; to examine daily into the condition of the Prison, and the health, condition, and safety of the convicts; to report to the Directors, at each quarterly meeting, the number of Guards employed, their names, and such other matters as may be required, and generally to have charge of all the departments of the Prison as its executive head.

SECT. 7.—The Board shall appoint a Physician, and the Warden, with the approval of the Directors, shall appoint the Guards; all Guards so appointed shall enter into bonds to Territory to the satisfaction of the Board of Directors in the sum of five hundred dollars each, for the faithful discharge of the duties of their positions. Each of said persons shall discharge the duties of his position under the direction of the Warden, and in pursuance of the rules and regulations of the Board of Directors and this Act.

SECT. 8.—The Warden shall keep the accounts of the Prison in such a manner as to clearly exhibit all the financial transactions relating to it; he shall keep a register of convicts in which shall be entered the name of each convict, the crime for which he is convicted, the date of conviction, by what Court sentenced, from what county, his nationality, an accurate description of his person, and, if known, whether he has previously been confined in the Penitentiary of any state or territory.

SECT. 9.—The Board shall purchase such supplies as are necessary for the Prison at public letting, the letting to be advertised in the newspapers of the Territory once a week for four weeks. The advertisement shall specify what supplies are to be furnished and when to be furnished. The Board may reject all bids if they believe them to be unreasonable and exorbitant, or if there has been collusion among bidders. When a bid is accepted and a contract awarded, the bidder must enter into a bond with good and sufficient sureties for the acceptance of the bond that he will furnish the supplies in accordance with the terms of letting.

SECT. 10.—No person shall be appointed to office or be employed by virtue of this Act, who is in the habit of getting intoxicated, and a single act of intoxication shall justify a removal. Any employee may be removed by the War-

den, with the approval of the Board, for delinquency in the discharge of his duty, or any other cause which materially affects his usefulness or fidelity. In all cases of removal the cause thereof shall be stated in writing, and entered upon the journal of the Board.

SECT. 11.—If the office of Director or Warden shall become vacant by death, resignation, or other causes, the vacancy shall be filled by the Governor, subject to the approval of the Council, if in session, and if it is not, then subject to the approval at its next session thereafter.

SECT. 12.—The officers and employees shall each receive the following compensation, to wit: The Directors shall be paid the sum of eight dollars per day for the time necessarily engaged in the discharge of their official duties, and twenty cents per mile in going to and returning from the meetings of the Board of Directors. The Warden shall receive eighty-five dollars per month, and the Guards sixty dollars per month, and the Physician shall receive seventy-five dollars per month, and he shall supply all medicines required for the treatment of the convicts, without other compensation than stated as his salary. The Directors shall be paid quarterly, and the other officers and employees monthly, out of the treasury of the Territory on the warrant of the Auditor.

SECT. 13.—No money shall be drawn from the treasury except upon accounts duly certified by the Warden, and approved by two of the Board of Directors. A triplicate of such account shall be filed with the Warden.

SECT. 14.—It shall be the duty of the Board to keep as many convicts constantly employed on contracts, or otherwise, as the best interests of the Territory require, at the highest price that can be obtained for their labor, and the proceeds thereof shall be applied to the payment of the current expenses of the Prison.

SECT. 15.—In the treatment of convicts the following general rules shall be observed:—1st. Each convict shall be provided with a straw bed and sufficient covering, with garments of coarse material, and with sufficient plain and wholesome food, and such variety as may be most conducive to health. 2d. If any convict is sentenced to solitary confinement, the sentence shall be executed, subject to the right of the Board of Directors to modify it, so far as may be necessary to prevent any serious injury to health. No unnecessary labor shall be required of any convict on Sunday. 3d. No punishment shall be inflicted except under the direction of the Warden. 4th. All money in the possession of a convict when he is received at the Penitentiary shall be entered on the record of the Board, and shall be paid into the treasury of the Warden. 5th. Each convict, when he is discharged from the Penitentiary, shall be supplied with a suit of coarse clothes, and the money taken from him when he entered the Prison.

SECT. 16.—In order that good behavior may be properly rewarded, it shall be the duty of the Board to provide in its rules and regulations for a correct daily record of the conduct of each convict, and his fidelity and diligence in the performance of his work, and each one who is sentenced for a definite term

shall be entitled to diminish the period of his sentence under the following rules and regulations:—1st. For each calendar month, commencing on the first day of the month next after his arrival at the Penitentiary, during which he shall not be guilty of a violation of the discipline or any of the rules of the Prison, and shall labor with diligence and fidelity, he shall be allowed a deduction of two and one-half days. 2d. For every violation of the rules and discipline, or the want of fidelity and care in the performance of work, the convict shall forfeit all time gained, or such portion of it as the Board may deduct. 3d. If a convict shall pass the period of his sentence without any violation of the rules and discipline, he shall be entitled to a certificate thereof from the Warden.

SECT. 17.—All criminals sentenced to the Penitentiary by the authority of the United States, for violations of the laws of the United States within this Territory, shall be received and kept according to the sentence of the Court by which they were tried, and the convict so confined shall be subject in all respects to the same discipline and treatment as though committed under the laws of the Territory. The Warden is hereby authorized to have and receive from the United States, for the use of the Territory, for each convict the sum of one dollar per day, which sum, when collected, shall be paid into the Treasury.

SECT. 18.—The salaries and current expenses for the maintenance of the Penitentiary, and the expenses of the Warden, shall be paid in United States currency, and the Territorial Auditor is hereby required to issue warrants for such amounts as may be necessary to pay such salaries, current expenses, and expenses of Warden, and the Governor and Auditor are authorized and required to sell the same at the highest price that can be obtained in United States currency, and apply the proceeds of such sale to the payment of all sums due or that may become due under the provisions of this section; and the Auditor shall put a notice in a conspicuous place in his office for thirty days previous to his selling such warrants, and shall publish the same in some newspaper likely, in his judgment, to give the widest information in this Territory, for three weeks, stating the amount of currency that will be required at a given time, and requesting written bids for the same: *Provided*, that any person bidding on or buying said warrants at said sale shall not be held to violate any license law of this Territory.

SECT. 19.—This Act shall take effect, and be in force, from and after its passage.

G. W. STAPLETON,

President of the Council.

J. H. ROGERS,

Speaker of the House of Representatives.

Approved May 6th, 1873.

B. F. POTTS,

Governor.

AN ACT

Of the Legislative Assembly of the Territory of Montana, passed May 6, 1873.

SECT. 1.—If any prisoner confined in the Penitentiary shall assault the Warden, or any underkeeper, guard, or other officer of said Penitentiary, or shall escape, or attempt to escape therefrom, or enter into any conspiracy for the purpose of effecting an escape therefrom, such person, upon conviction thereof, shall be sentenced by the Court to the same term of imprisonment in the Penitentiary for which such person was originally sentenced, to commence from the expiration of the original term of imprisonment, except when the original sentence was imprisonment for life.

SECT. 2.—This act shall take effect and be in force from and after its passage, and approval by the Governor.

Approved May 8, 1873.

B. F. POTTS,
Governor.

REPORT.

*To his Excellency B. F. Potts,
Governor of Montana Territory.*

SIR:—In accordance with the law governing the Montana Penitentiary, situated at Deer Lodge, we, the Directors appointed by your Excellency, would beg leave to make a report of our official acts for the past six months, beginning May 15 and ending November 15, 1873, together with reports to us from the Warden and Physician of the Penitentiary, the condition of the Prison and prisoners, and such recommendation for the future safety and welfare of the prisoners and the best interests of the Territory, as in our judgments demand.

On May 15, 1873, the United States Government turned over to the Territory the Penitentiary, then containing twenty-one prisoners, which is the highest number the Prison has contained at one time since that date. The lowest number at any one time since that date has been seventeen, the total number received has been twenty-seven, including those received from United States. Eight have been discharged, leaving nineteen prisoners now in confinement.

The cost of guarding, clothing, and maintaining the prisoners for the past six months, and for all repairs and improvements about the prison, has been \$6,751 17. During that time the prisoners have earned \$460 79, leaving the actual cost \$6,290 38.

These figures may seem to you large, but when we take into account that the building and fixtures were sadly out of repair, and the supplies of all kinds were nearly or wholly exhausted, and many of them had to be supplied in quantities which will run far into the next year, and necessarily increased our expenses, from personal observation we are safe in saying that the cost for repairs and maintaining the prisoners for the next six months cannot exceed \$11,600 against \$2,100 for the six months just ended.

On taking charge of the Prison we found but few appurtenances and conveniences for working and employing the prisoners profitably for the interests of the Territory, and in order to accomplish the desired end, certain expenses had to be incurred, which have all contributed to make our expenditure seem high.

In this connection permit us to say that in order to work the prisoners with safety, we were convinced that a fourth Guard became a necessity, and the receipts from convict labor have fully justified this course.

Our plans are but in their infancy, but give promise of good results, both for the convict and the interests of the Territory. It has been the constant endeavor of the Directors to mature plans and devise means whereby the convicts may become self-sustaining, but your Excellency is aware that the same expenses are incurred in guarding twenty prisoners as there would be in guarding forty; the only difference would be in feeding and clothing them.

The price obtained for their labor may seem small, but in order to create a demand for our labor, through profits acquired, and thereby competition, we have been obliged to contract for their work at lower rates than can be obtained in the future.

We may safely say the day is not far distant when the institution may be self sustaining.

The building now in use consists of an unfinished wing of the plans adopted by the United States Government, and contains but thirteen cells. Each cell was designed for the use of but one prisoner. The discipline of the Prison requires the prisoners to occupy different cells, and compelling two to sleep in a room only sufficient for one is injurious to their health, as the accompanying report of the Physician shows. We would recommend that your Excellency request the Legislature to make an application to Congress for an appropriation to complete the present wing. The completion of this wing will give us twenty-eight additional cells, and judging from the fact that we now have nineteen prisoners, and that most of the recent arrivals have been for long terms, many of the cells asked for will soon be required. Should the Courts now in session, and soon to convene in different counties, send us but six more prisoners, each cell will be obliged to accommodate two occupants. More than that number cannot be taken care of in the present condition of the building.

We think by using the labor of the convicts as much as possible, that the work can be completed for ten thousand dollars.

The completion of this wing, will, we think, give us ample room for many years to come.

The health of the prisoners, as a general thing, has been good, and the sanitary condition of the Prison has been well attended to, and all parts of the Prison grounds cleanly kept.

The increasing demand for labor in our yards, and the necessity for room for work shops, has compelled us to extend our wall.

We are pleased to record the progress that some of the convicts have made in the art of turning, fitting, and finishing household furniture, while others are engaged in sawing wood by machinery, and otherwise employed.

We are pleased to say the sabbath school and religious exercises that have been instituted by the good men and women of Deer Lodge, have been productive of much good.

We think it a mistaken notion that men, when sent to the Penitentiary, are beyond the power of religious influence, or insensible to kind words and treatment. It is a truth beyond dispute that most of our prisoners are the creatures

of circumstances, and are in their present condition from other causes than the result of a course of life hardened in crime.

Feeling assured it has been, and is your design, and the wish of all good people of the Territory, that every convict should not only go from the Prison to enjoy the rights of citizenship morally a better man, but a Christian, we have encouraged every effort of those devoted men and women, and we are proud to say they have not labored in vain, nor spent their strength for naught; much good has been the result, and many strive to make themselves useful and agreeable.

In this connection we would say that the appointment of a Chaplain to conduct the religious exercises of the Prison would be wise and beneficial. That these reformatory measures may yet be productive of greater results, we would recommend that a small appropriation of money be made for a library of books for the use and benefit of the prisoners in the coming winter, when many days must be passed without work, and as a means of employing the prisoners' minds, we think good reading the best.

HUGH DUNCAN,
J. H. ROBERTSON,
GRANVILLE STUART,
Directors Montana Penitentiary.

WARDEN'S OFFICE, MONTANA PENITENTIARY,

DEER LODGE, November 17, 1873.

To the Board of Directors, Montana Penitentiary:

GENTLEMEN:—The 15th of November, 1873, completes the first half year of the government of the Penitentiary by territorial authority, and the duty devolves upon me of reporting to you its condition and general management.

The following is a detailed statement of the receipts and expenditures during the six months, viz.:

| | |
|---|-----------------|
| Amount received from contractors for convict labor..... | \$386 29 |
| “ “ “ miscellaneous sources..... | 66 50 |
| “ “ “ Penitentiary barber shop..... | 8 00 |
| Total cash receipts..... | \$460 79 |

Contra.

| | |
|--|------------|
| Expended for subsistence..... | \$1,942 50 |
| “ “ clothing and bedding..... | 475 60 |
| “ “ fuel and lights..... | 210 25 |
| “ “ repairs and fixtures..... | 1,144 22 |
| “ “ incidentals..... | 190 60 |
| “ “ salaries for Officers and Guards..... | 2,788 00 |
| <hr/> | |
| Total expenditures | \$6,751 17 |
| Total cash receipts..... | 460 79 |
| <hr/> | |
| Balance of actual expenditures over receipts | \$6,290 38 |

The expenses for the past six months are much greater than will be the six months following, owing to the making of some necessary repairs on the building, the purchasing of groceries, clothing, bedding, &c., for the winter, and vegetables, oil, &c., to last until June 1st, 1874.

The number of days that convicts have been kept during the six months commencing May 15th, 1873, amounts to 3,315 days, making the average cost per day for keeping each prisoner, including salaries of Officers, Guards, and all other expenses, \$2.03½, while for the next six months the expense for the same number of prisoners, cannot, in my estimation, exceed \$1.37 per day, thus making the total expense for the twelve months, \$11,293.10.

Since I have entered upon my duties as Warden, books have been furnished the convicts, nearly all at my own expense, and I am gratified to report that since I have been here, six of the convicts, who could neither read or write, have become quite proficient in these studies, and those possessing a common school education have also made considerable progress.

Our policy has been to govern, as far as is possible, by presenting to the man motives to induce to right and good behavior, to inspire in him feelings of self-respect, and a desire for a better life than that of sin and crime, that when he again goes forth into the world, he may go a better man. Many of them fully appreciate this treatment, and strive in every way to merit a continuance thereof. But there are men who seem to construe everything like human treatment as indicative of weakness upon which they may presume. When such a one openly sets at defiance rightful and proper authority, submission must be compelled by whatever means necessary.

The means of punishment now generally practiced is, confinement in the cell with a limited allowance of food. Sometimes this confinement fails to subdue the stubborn will, and we have been compelled, in the absence of more improved methods, to resort to tying up; this has never yet failed to accomplish the desired end.

The reformatory work in the Prison still goes on, and such is its character as to afford increased encouragement to those who labor for its success. Regu-

larly every Sunday afternoon, services and Sabbath School are held in the corridor of the Prison. The teachers of the Sabbath School volunteer their services, and their labors are highly appreciated.

They have been untiring in their duties, devoting much of their time to the welfare of the prisoners, by whom they are greatly esteemed and loved, and their influence over them has contributed no little to the securing of a cheerful obedience to rules and inspiring in them a desire after a better life.

A few evenings since one of the convicts received the ordinance of baptism, and was received into the church, and through the instrumentality of these self-sacrificing teachers we believe many more of the convicts will be led in the same way.

So far as we have been able to ascertain in regard to the discharged convicts they are leading honest, upright, and consistent lives.

A library of instructive books is much needed, and would be of great value in directing the minds of the men into better channels of thoughts, and greatly assist in the discipline and government of the Prison.

I desire, in conclusion, to testify to the efficient aid rendered by the other officers, who have discharged their respective duties in a manner creditable and satisfactory.

To you, gentlemen of the Board of Directors, I wish to express my heartfelt thanks for the uniform kindness shown me, and the confidence that has characterized all our official intercourse.

I am, gentlemen, very respectfully,

C. B. ADRIANCE,

Warden.

Table showing the number of days' labor done on contracts, and the price per day, and the amount during the six months ending November 15, 1873.

| Total Days' Work. | Price per Day. | Amount. |
|-------------------|-------------------|----------|
| 143 | .33 $\frac{1}{2}$ | \$47 67 |
| 547 $\frac{1}{2}$ | .50 | 273 75 |
| 37 | .65 $\frac{1}{2}$ | 24 18 |
| 45 $\frac{3}{4}$ | \$1 00 | 45 75 |
| 773 $\frac{1}{4}$ | | \$391 35 |

Detailed Statement of Cash Receipts for the six months ending Nov. 15, 1873.

| DATE. | FROM WHOM AND ON WHAT ACCOUNT RECEIVED. | AMOUNT. |
|---------------|--|-----------------|
| May..... | From Contractors, for convict labor..... | \$45 00 |
| | " J. H. Mills, for press work..... | 4 00 |
| | | <u>\$49 00</u> |
| June..... | From Contractors, for convict labor..... | \$18 09 |
| | " J. H. Mills, for press work..... | 8 00 |
| | | <u>\$26 09</u> |
| July..... | From Contractors, for convict labor..... | \$46 84 |
| | " J. H. Mills, for press work..... | 8 00 |
| | | <u>\$54 84</u> |
| August..... | From Contractors, for convict labor..... | \$68 44 |
| | " J. H. Mills, for press work..... | 8 00 |
| | | <u>\$76 44</u> |
| September.... | From John O'Neill, for convict labor..... | \$41 42 |
| | " J. C. C. Thornton, for convict labor..... | 33 00 |
| | " J. H. Mills, for press work..... | 8 00 |
| | " " " " book case..... | 8 00 |
| | " " " " convict labor..... | 3 50 |
| | " Penitentiary Barber Shop..... | 5 00 |
| | | <u>\$98 92</u> |
| October..... | From J. C. C. Thornton, for convict labor..... | \$50 00 |
| | " John O'Neill, " " " | 58 50 |
| | " E. S. Bonner & Co., " " " | 7 00 |
| | " J. H. Mills, for press work..... | 8 00 |
| | " Penitentiary Barber Shop..... | 3 00 |
| | | <u>\$126 50</u> |
| November.... | From J. C. C. Thornton, for convict labor..... | \$10 00 |
| | " John O'Neill, " " " | 15 00 |
| | " J. H. Mills, for press work..... | 4 00 |
| | | <u>\$29 00</u> |

RECAPITULATION—CASH RECEIPTS.

| | | |
|--------------------------------|-----------|----------|
| Receipts for the month of May, | 1873..... | \$49 00 |
| “ “ “ June, | “ | 26 09 |
| “ “ “ July, | “ | 51 84 |
| “ “ “ August, | “ | 76 44 |
| “ “ “ September, | “ | 98 92 |
| “ “ “ October, | “ | 126 50 |
| “ “ “ November, | “ | 29 00 |
| Totals..... | | \$460 79 |

*Detailed Statement of Expenditures on account of the Montana Penitentiary at
Deer Lodge, M. T., for six months, ending November 15, 1873.*

| Month, 1873. | No. Vochr. | To Whom Paid. | On What Account. | Amount. |
|-----------------|---------------|-------------------------|----------------------------|----------|
| May..... | 1 | C. B. Adriance..... | Salary as Warden..... | \$42 50 |
| | 2 | O. B. Whitford..... | “ Physician | 37 50 |
| | 3 | Nathaniel Preston..... | “ Superdnt. of Yard | 18 00 |
| | 4 | B. F. Moore..... | “ Guard..... | 30 00 |
| | 5 | Wm. A. Dewar..... | “ “ | 30 00 |
| | 6 | C. C. Clawson..... | “ “ | 30 00 |
| | 7 | Wm. H. Weimar & Co. | Groceries..... | 51 30 |
| | 8 | C. Bielenberg & Bro.... | Beef..... | 35 20 |
| | 9 | J. F. Vaughn..... | Milk, Butter and Eggs..... | 17 00 |
| | 10 | Wm. H. Weimar & Co. | Coal Oil..... | 10 00 |
| | 11 | F. B. Miller..... | Sundries..... | 21 77 |
| | 12 | C. N. Bowie..... | “ | 10 00 |
| | 13 | Dance & Murphy..... | Lumber..... | 51 37 |
| | | | | \$390 64 |

| Month. 1873. | No. of Vochr | To Whom Paid. | On What Account. | Amount. |
|-----------------|-----------------|----------------------------|--------------------------------|-----------|
| June..... | 1 | C. B. Adriance | Salary as Warden..... | \$85 00 |
| | 2 | O. B. Whitford..... | " Physician..... | 75 00 |
| | 3 | Nathaniel Preston..... | " Supt of Yard..... | 60 00 |
| | 4 | Richard Harris..... | " Guard..... | 60 00 |
| | 5 | R. W. Noble..... | " "..... | 60 00 |
| | 6 | George Pasco..... | " "..... | 60 00 |
| | 7 | Wm. H. Weimar & Co..... | Groceries..... | 136 88 |
| | 7½ | E. S. Stackpole..... | Flour..... | 21 00 |
| | 8 | D. S. Kenyon..... | Sundries..... | 10 75 |
| | 9 | C. Bielenberg & Bro..... | Beef..... | 66 00 |
| | 10 | J. F. Vaughn..... | Milk, Butter & Eggs..... | 30 00 |
| | 11 | E. L. Bonner & Co..... | Clothing..... | 132 10 |
| | 12 | F. B. Miller..... | Sundries..... | 11 55 |
| | 13 | C. N. Bowie..... | "..... | 7 00 |
| | 14 | E. S. Stackpole..... | Sewing Machine..... | 100 00 |
| | 15 | J. V. Surprenant..... | Blacksmithing..... | 4 00 |
| | 16 | Parchen & D'Acheul..... | Sundries..... | 38 25 |
| | 17 | E. S. Stackpole..... | Saws..... | 19 00 |
| | 18 | Wm. Coleman..... | Revolver, Cartridges, &c..... | 21 50 |
| | 19 | John O'Neill..... | Barber Chair..... | 27 50 |
| | 20 | I. C. C. Thornton..... | Straw..... | 10 00 |
| | 21 | J. H. Mills..... & Co. | Printing, Advertising, &c..... | 88 50 |
| | 22 | Kerley, Smith McQuaid..... | " "..... | 51 00 |
| | 23 | R. S. Kelley..... | Cooking Range..... | 170 00 |
| | 24 | P. Valiton..... | Ice..... | 15 00 |
| | 25 | Wm. Woodward..... | Tobacco..... | 15 85 |
| | | | | \$1381 88 |

| Month. 1873. | No. of Vochr. | To Whom Paid. | On What Account. | Amount. |
|-----------------|------------------|--------------------------|--------------------------------|-----------|
| July..... | 1 | C. B. Adriance..... | Salary as Warden..... | \$85 00 |
| | 2 | O. B. Whitford..... | " Physician..... | 75 00 |
| | 3 | Nathaniel Preston..... | " Supt. of Yard..... | 60 00 |
| | 4 | Richard Harris..... | " Guard..... | 60 00 |
| | 5 | R. W. Noble..... | " "..... | 60 00 |
| | 6 | George Pascoe..... | " "..... | 60 00 |
| | 7 | Wm. H. Weimar & Co..... | Supplies for seven months..... | 833 15 |
| | 8 | " "..... | Groceries..... | 20 75 |
| | 9 | C. Bielenberg & Bro..... | Beef..... | 68 20 |
| | 10 | Phil. E. Evans..... | Butter..... | 13 68 |
| | 11 | John O'Neill..... | Milk..... | 8 68 |
| | 12 | E. L. Bonner & Co..... | Clothing..... | 79 75 |
| | 13 | Thomas Strang..... | Fitting Range..... | 80 00 |
| | 14 | F. B. Miller..... | Sundries..... | 39 70 |
| | 15 | R. Plummer..... | "..... | 6 50 |
| | 16 | C. N. Bowie..... | "..... | 41 50 |
| | 17 | Dance & Murphy..... | Lumber..... | 57 56 |
| | 18 | P. Valiton..... | Ice..... | 15 00 |
| | 19 | Wm. Woodward..... | Sundries..... | 18 55 |
| | 20 | C. B. Adriance..... | "..... | 17 25 |
| | 21 | Wm. A. Hyde & Co..... | Wood..... | 74 00 |
| | | | | \$1774 27 |

| Month. 1873. | No. of Vochr. | To Whom Paid. | On What Account. | Amount. |
|-----------------|------------------|-------------------------|-----------------------------------|----------------|
| August... | 1 | Granville Stuart..... | Salary as Director..... | \$96 00 |
| | 2 | Hugh Duncan..... | " " | 80 00 |
| | 3 | J. H. Robertson..... | " " | 56 00 |
| | 4 | C. B. Adriance..... | " Warden..... | 85 00 |
| | 5 | O. B. Whitford..... | " Physician..... | 75 00 |
| | 6 | Nathaniel Preston..... | " Sup't of Yard..... | 60 00 |
| | 7 | Richard Harris..... | " Guard..... | 60 00 |
| | 8 | R. W. Noble..... | " " | 60 00 |
| | 9 | George Pascoe..... | " " | 60 00 |
| | 10 | Wm. H. Weimar..... | Groceries..... | 22 00 |
| | 11 | C. Bielenberg & Bro.... | Beef..... | 68 20 |
| | 12 | Phil. E. Evans..... | Butter..... | 14 76 |
| | 13 | John O'Neill..... | Milk..... | 8 68 |
| | 14 | D. S. Kenyon..... | Sundries | 36 40 |
| | 15 | E. S. Bonner & Co..... | Clothing..... | 42 50 |
| | 16 | " " " | Clothing for discharged conv..... | 12 75 |
| | 17 | F. B. Miller..... | Sundries..... | 42 11 |
| | 18 | C. N. Bowie..... | " | 43 50 |
| | 19 | T. L. Maguire..... | " | 20 00 |
| | 20 | C. B. Adriance..... | " | 13 25 |
| | 21 | Wm. Woodward..... | Tobacco..... | 11 05 |
| | 22 | P. Valiton..... | Ice..... | 15 00 |
| | | | | <hr/> \$982 20 |

| Month. 1873. | No. of Vochr. | To Whom Paid. | On What Account. | Amount. |
|-----------------|------------------|-------------------------|-------------------------------|----------------|
| Septem'r | 1 | C. B. Adriance..... | Salary as Warden..... | \$85 00 |
| | 2 | O. B. Whitford..... | " Physician..... | 75 00 |
| | 3 | Nathaniel Preston..... | " Sup't of Yard..... | 60 00 |
| | 4 | Richard Harris..... | " Guard..... | 60 00 |
| | 5 | George Pascoe..... | " " | 60 00 |
| | 6 | F. J. Calenberg..... | " " | 60 00 |
| | 7 | Wm. H. Weimar & Co.... | Groceries..... | 26 30 |
| | 8 | C. Bielenberg & Bro.... | Beef..... | 66 00 |
| | 8½ | Phil. E. Evans..... | Butter..... | 16 92 |
| | 9 | " " | 12,000 pounds Potatoes..... | 150 00 |
| | 10 | John O'Neill..... | Milk and Eggs..... | 9 90 |
| | 11 | " " | Vegetables..... | 22 14 |
| | 12 | E. S. Bonner & Co..... | Clothing..... | 62 55 |
| | 13 | " " " | Clothing for discharged con.. | 12 75 |
| | 14 | F. B. Miller..... | Sundries..... | 36 30 |
| | 15 | C. N. Bowie..... | " | 16 50 |
| | 16 | Dance & Murphy..... | Lumber..... | 11 72 |
| | 17 | Jas. H. Mills..... | Printing..... | 30 50 |
| | 18 | C. B. Adriance..... | Sundries..... | 8 50 |
| | 19 | Wm. Woodward..... | Tobacco..... | 15 15 |
| | 20 | P. Valiton..... | Ice | 15 00 |
| | | | | <hr/> \$900 23 |

| Month. 1873. | No. of Vochr. | To Whom Paid. | On What Account. | Amount. |
|-----------------|------------------|------------------------|--------------------------------|----------------|
| October.. | 1 | C. B. Adriance..... | Salary as Warden..... | \$85 00 |
| | 2 | O. B. Whitford | " Physician | 75 00 |
| | 3 | Richard Harris..... | " Sup't of Yard..... | 60 00 |
| | 4 | George Pascoe..... | " Guard..... | 60 00 |
| | 5 | F. J. Calenberg..... | " " | 60 00 |
| | 6 | Wm. F. Shanley..... | " " | 60 00 |
| | 7 | Wm. H. Weimar & Co. | Groceries..... | 17 60 |
| | 8 | C. Bielenberg & Bro... | Beef..... | 68 20 |
| | 9 | Phil. E. Evans..... | Butter | 15 12 |
| | 10 | John O'Neill..... | Milk and Eggs..... | 9 43 |
| | 11 | W. E. Bass & Bro..... | Vegetables..... | 152 51 |
| | 12 | E. S. Bonner & Co..... | Clothing..... | 120 45 |
| | 13 | " " | Clothing for discharged con. . | 12 75 |
| | 14 | F. B. Miller..... | Sundries..... | 23 95 |
| | 15 | C. N. Bowie..... | " | 37 25 |
| | 16 | John O'Neill..... | Lumber..... | 19 69 |
| | 17 | D. S. Kenyon..... | Books..... | 3 00 |
| | 18 | S. E. Lorabie..... | Express charges on Currency | 1 40 |
| | 19 | Wm. Woodward..... | Tobacco..... | 18 75 |
| | | | | <hr/> \$900 10 |

| Month. 1873. | No. of Vochr. | To Whom Paid. | On What Account. | Amount. |
|-----------------|------------------|-----------------------|-------------------------------|----------------|
| Nov. 15 | 1 | C. B. Adriance..... | Salary as Warden..... | \$12 50 |
| | 2 | O. B. Whitford..... | " Physician..... | 37 50 |
| | 3 | Richard Harris..... | " Sup't of Yard..... | 30 00 |
| | 4 | George Pascoe..... | " Guard..... | 30 00 |
| | 5 | F. J. Calenberg..... | " " | 30 00 |
| | 6 | Wm. F. Shanley..... | " " | 30 00 |
| | 7 | C. Bielenberg..... | Beef..... | 33 00 |
| | 8 | Phil. E. Evans..... | Milk and Butter..... | 13 00 |
| | 9 | Wm. Woodward..... | Tobacco..... | 6 00 |
| | 10 | Granville Stuart..... | Services as Director..... | 48 00 |
| | 11 | Hugh Duncan..... | " " & mileage | 88 00 |
| | 12 | J. H. Robertson..... | " | 32 00 |
| | 13 | S. E. Lorabie..... | Discount on Draft, Oct. Acc.. | 1 85 |
| | | | | <hr/> \$421 85 |

RECAPITULATION.

| Month | | General Expenses. |
|-----------|---------------|-------------------|
| May | 15, 1873..... | \$390 64 |
| June | " "..... | 1,381 88 |
| July | " "..... | 1,774 27 |
| August | " "..... | 982 20 |
| September | " "..... | 900 23 |
| October | " "..... | 900 10 |
| November | " "..... | 421 85 |
| | | <hr/> \$6,751 17 |

| Expenditures. | Amount. |
|---|------------------|
| General Expenses (Clothing, Provisions, Salaries, &c.)..... | \$6,751 17 |
| Receipts (all sources.)..... | 400 79 |
| Expenditures over all receipts..... | <hr/> \$6,290 38 |

Table showing the number of convicts received from each county on the transfer of the Prison, and the number received within the six months ending November 15, 1873.

| County. | Number. |
|----------------------|----------|
| Madison..... | 4 |
| Gallatin..... | 5 |
| Deer Lodge..... | 7 |
| Missoula..... | 1 |
| Beaver Head..... | 2 |
| Lewis and Clark..... | 8 |
| Total..... | <hr/> 27 |

Crimes of the prisoners confined in the Penitentiary during the six months ending November 15, 1873.

| Crimes against Property. | Number. | Total. |
|------------------------------------|---------|--------|
| Burglary..... | 1 | 19 |
| Grand Larceny..... | 18 | |
| Crimes against Persons. | | 8 |
| Manslaughter..... | 3 | |
| Murder, second degree..... | 2 | |
| Assault with intent to murder..... | 2 | |
| Robbery..... | 1 | |
| | | 27 |

Table showing the lengths of sentences of prisoners confined in the Penitentiary during the six months ending November 15, 1873.

| Length of Sentence. | Number. |
|-------------------------|---------|
| For 1 year..... | 5 |
| " 2 "..... | 7 |
| " 2 " and 6 months..... | 1 |
| " 3 "..... | 2 |
| " 3 " and 6 months..... | 1 |
| " 5 "..... | 1 |
| " 6 "..... | 1 |
| " 7 "..... | 2 |
| " 10 "..... | 5 |
| " 20 "..... | 1 |
| " Life..... | 1 |
| Total | 27 |

Table showing the nativity of prisoners confined in the Penitentiary during the six months ending November 15, 1873.

| | |
|--------------------|----|
| United States..... | 22 |
| Germany..... | 1 |
| Canada..... | 1 |
| Australia..... | 1 |
| Ireland..... | 1 |
| China..... | 1 |
| 27 | |

RULES AND REGULATIONS

FOR THE

GOVERNMENT OF THE MONTANA PENITENTIARY.

DUTIES OF THE PHYSICIAN.

1. The Physician shall visit the Penitentiary at least twice each week, and personally examine every sick and complaining prisoner, and prescribe such medical treatment as their cases require.

2. He shall keep a book in which shall be entered the names of all the prisoners sick or complaining, who require medical treatment, with the disease of each, and his prescription therefor.

3. He shall see that all proper medicine be administered to those who are sick, and perform all surgical operations that may be necessary, and discharge all other duties that properly pertain to his profession, and, if necessity requires it, to pay extra visits; but no surgical operation shall be performed upon any prisoner without his consent, or the consent of two of the Directors.

4. When a prisoner dies, the Physician shall record the nature of the complaint, and all the circumstances connected therewith that he may deem proper and necessary.

5. He shall, in all cases, direct the diet to be prepared for the sick, and should it happen that his direction or prescription be neglected, he shall report the same to the Warden.

6. He shall, from time to time, visit the kitchen, ascertain the kind and quantity of food which is furnished to the convicts, and recommend to the Warden such changes of diet as he may deem best for the health of the prisoners.

RULES FOR THE GUARDS.

1. It shall be the duty of the Guards to obey all instructions from the Warden, and assist in enforcing the police and discipline of the Prison, and in carrying into effect the laws for the government thereof.

2. They shall not absent themselves from the Prison at any time except by permission of the Warden.

3. While within the Prison, the Guards shall refrain from singing, whistling, loud talking, immoderate or loud laughter, scuffling, exciting discussions, and all other acts calculated to disturb the quiet, harmony, and good order of the Prison.

4. They shall not, while on duty, hold any but necessary conversation with each other, or with visitors or contractors. All conversation shall be in a low tone of voice, so that the prisoners may not hear it.

5. They shall not, while on duty, engage in reading, writing, or any other employment calculated to interfere with constant watchfulness and vigilance. Their own safety and that of the prisoners depend on the strict observance of this rule.

6. They shall not allow prisoners to speak to them upon any subject not immediately connected with their duty, employment, or wants.

7. They shall keep the convicts under their charge diligently at work at their several occupations.

8. They shall not permit the convicts to hold conversation with any one not connected with the institution.

9. They shall require the greatest possible cleanliness in the convicts, their persons and clothing, and in their working and sleeping apartments.

10. They shall instruct the prisoners in all the rules of the Prison necessary for their government and admonish them on the least appearance of insubordination.

11. They shall not punish or strike a convict with a cane or stick, or with the fist, or feet, or any weapon, unless it be in self-defense or to quell an insurrection, nor shall they use any profane or indecorous language to them, or in their presence, but shall uniformly treat them in a kind and humane manner.

12. They shall not allow their prisoners to leave their work without permission, nor shall they allow them to speak to or gaze at visitors.

13. They shall not receive from or deliver to a prisoner any article or thing whatsoever, without the knowledge or consent of the Warden.

14. As soon as the prisoners are locked up at night, the Guards shall report immediately to the Warden the number they have locked up or have in charge.

15. The officer in charge of the kitchen shall inspect the table at each meal and see that every convict has plentiful rations of wholesome food, and inspect his plate before eating; if anything needful is wanting, he shall see that it is supplied, and no convict shall commence eating until all are seated, nor rise from his seat until all are through eating.

16. All employees of the prison in their intercourse with the prisoners are required to confine themselves to their official duties.

DUTIES OF CONTRACTORS.

1. Contractors, their agents and foremen, shall hold no intercourse with any convict other than those employed or superintended by them, or upon any subject whatever other than the business carried on by them.

2. They are to confine themselves strictly to their business, and are not to leave the shops where their business is carried on to visit any other part of the Prison.

3. Their intercourse with the officers and Guards of the Prison shall be such only as is necessarily connected with the prosecution of the business under their charge.

4. They are not, under any circumstances, to inflict any punishment, or to enforce the discipline in any manner upon any convict whatever.

5. They are to report to the Guards having charge of the convicts in their department, all violations of the rules and regulations of the Prison.

6. No foreman shall be employed by contractors within the Prison without first obtaining the consent of the Warden, and no persons other than the necessary foreman shall be employed with the convicts, or in any other manner in the Prison.

7. They shall not apply any harsh or opprobrious epithets to the convicts, nor use any profane language in their presence.

8. The teamsters or other persons in the employ of the contractors who may occasionally visit the Prison, shall not be permitted to speak to a convict without permission of an officer, nor shall they use profane language in the hearing of the convicts, and they shall refrain from singing, whistling, loud talking, or any other act liable to disturb the good order and discipline of the Prison.

9. All scraps, shavings, chips, sticks, and other combustible waste must be disposed of each day, either for fuel or by removal from the yard.

10. Old trash and other material not necessary to carry on the business of the contract must not be permitted to accumulate within the yard or shops.

11. All officers and Guards are expressly charged with the execution of the above orders, and are directed to report any neglect or violation of the same.

RULES FOR PRISONERS.

1. They are to labor faithfully and diligently and obey all orders promptly.

2. They must approach the officers in a respectful manner and be brief in their communications. They are not to speak to the officers on ordinary topics, nor address them except when it becomes necessary in relation to their work or necessary wants.

3. They shall not, at any time, or under any pretense, without permission, speak to any person who does not belong to the institution, nor receive from them any letters, papers, tobacco, or anything whatever. They are not to leave their places when they are put to work, nor the work they are set to do without permission or order of the proper officer. They are not to suffer their attention to be taken from their work to look at visitors.

4. No prisoner is wilfully or carelessly to injure his work, tools, wearing apparel, bedding, or anything belonging to or about the prison, nor will any prisoner be suffered to mark, injure, or in any way deface the walls or any part of his cell, nor is he to execute his work badly when he has the ability to do it well.

5. No prisoner shall receive or transmit any letters or papers except under the inspection of the Warden.

6. Each prisoner, as they enter their respective cells, must close the door and stand holding same until the turnkey approaches and enters the key; the prisoner shall then retire to the back of the cell.

7. Prisoners will only be allowed such food and clothing as are issued in the Prison.

8. The hair of the prisoners shall be kept cut short, and their beards shaved once or twice a week, and each one shall take a bath on Saturday afternoon.

9. No unnecessary labor shall be performed on Sunday.

10. They shall use no profane language towards any person.

11. No letters shall be written except on Sundays, without special permission from the Warden, and all letters must be strictly confined to necessary business.

12. They shall not interfere with any tools or implements within their reach unless given them to work with.

13. For all wilful violations of the above rules, punishment will certainly be inflicted.

ALLOWANCE FOR EACH MALE PRISONER.

Each male prisoner is allowed one hat or cap, one jacket, two overshirts, two undershirts, two pairs drawers, one pair pants, one pair shoes, one vest, and two pair of socks.

All other clothing in the hands of prisoners, or which may hereafter be found in their possession, will be taken from them by any officer discovering the same, and returned to the Warden. Each prisoner may also have in his possession one handkerchief, tooth pick, and tooth brush, a fine and coarse comb, his letters coming through the office, photographs or other pictures of his friends, his ration of tobacco, of the kind furnished by the territory, and his books, his name to be written plainly with ink, across the printed matter, in at least two places.

GENERAL RULES AND REGULATIONS.

1. Any Guard who shall sleep while at his post, or while in charge of any other duty, or shall neglect the same, or who behaves improperly, shall be discharged from the institution.

2. The Guards must yield that ready obedience to the Warden so necessary to secure the beneficial results of effective co-operation and good government.

3. They shall not allow any persons to go on the walls or into the Prison without permission from the Warden.

4. No person shall be allowed to be present in the washing room while prisoners are being washed and changing clothes, except officers or Guards of the Penitentiary.

5. The convicts shall have the liberty of speaking to the Directors when present at the Prison in their official capacity, and at no other time, except by permission from the Warden.

VISITORS.

1. All persons not connected with the Penitentiary, except contractors, their foremen, and employees, and such persons as are authorized by law to visit the Prison, are regarded as visitors, and are subject to the same rules.

2. Visitors will not be permitted to enter the Prison unless accompanied by an officer or Guard of the Penitentiary, and when within the Prison, will be under the surveillance of the officer or Guard accompanying them.

3. Visitors will have no intercourse whatever with the convicts, and when passing through the Prison will conduct themselves in a quiet and orderly manner—loud talking, laughing, and personal allusions to convicts, by remarks, pointing, or otherwise, being positively prohibited.

4. It shall be the duty of any officer or Guard of the Penitentiary, when persons are found within the Prison or inclosure, contrary to, or in violation of, any of the above rules, to see that they are at once stopped and leave the Prison grounds.

PHYSICIAN'S REPORT.

MONTANA PENITENTIARY,

Deer Lodge, Nov. 15, 1873.

To the Board of Directors, Montana Penitentiary :

GENTLEMEN:—As Physician and Surgeon of the Montana Penitentiary, it becomes my duty to report to you a list of the sick and wounded, their diseases, together with the sanitary condition of the Prison for the first six months under the territorial management, commencing May 15, and ending November 15, 1873.

In all localities where the mean temperature for the winter months is high and the atmosphere comparatively free from moisture, the summers are excessively hot during the day with cool nights, producing various epidemics, such as colds, influenza, throat and bronchial affections.

Exhalations from the skin and lungs are greatly favored, and the tissues being robbed of their moisture, contract, while the capillary circulation is quickened throughout the entire body, stimulating the system to a more thorough action to expel the surplus of carbonic acid secreted, the excess of which (a part at least) must be attributed to the confinement of two or more prisoners in a cell, said cell being only intended for the use of one occupant. There are but thirteen cells in the Prison, while the number of prisoners now confined is nineteen, and indictments in our several Courts against parties sufficient to swell the number during the next six months to that extent that accommodations cannot be had without an increase of cells, which our building will admit of, by erecting a row on either side above the cells now occupied, making twenty-six when completed, thereby furnishing room sufficient without compelling the necessity of putting more than one convict in a cell, thereby preventing much sickness among the prisoners, as the crowding of two or more prisoners in a cell exposes them to impure air, thereby generating diseases rapidly and preventing the speedy cure of those affected when admitted. In consideration of the above facts, gentlemen, I deem it my imperative duty to urge upon you the necessity of laying this matter before the next Legislative Assembly in such a manner that a prompt and decisive action may be had.

I also find it necessary to recommend that boots be furnished during the winter months to those who work out of doors, as snow falls in this mountainous country to such depths that shoes will not prevent them from coming in from their labor with wet feet, thus subjecting them to sudden attacks of colds, &c.

The annexed report exhibits a very large per cent. sick, the cause of which to a great extent must be attributed to the extreme hardships of the life of miners (of whom a large majority of our convicts are composed), working in water and invariably sleeping upon damp ground, thereby contracting disease proportionately greater than by most any other occupation, besides indulging almost without an exception in the excessive use of liquor as a beverage, causing organic diseases of various kinds, such as valvular disease of the heart, chronic inflammation of the liver, and disease of the kidneys.

But, in consequence of your hearty co-operation with me, gentlemen, and our efficient Warden, in observing cleanliness and effecting such changes for the good of the prisoners as we deemed necessary, we have had no death during our administration.

I am, gentlemen, very respectfully,

Your obedient servant,

O. B. WHITFORD, M. D.,

Physician Montana Penitentiary.

*List of the sick and wounded confined in the Montana Penitentiary during the
six months ending November 15, 1873.*

| Diseases. | No. Cases |
|------------------------------------|-----------|
| Bilious Fever..... | 4 |
| Gastric "..... | 1 |
| Typhoid Pneumonia..... | 1 |
| Colds..... | 19 |
| Inflammation of Tonsils..... | 2 |
| " " Throat..... | 3 |
| " " Eye..... | 1 |
| " " Liver..... | 4 |
| " " Kidneys..... | 3 |
| Bronchitis..... | 1 |
| Valvular disease of the Heart..... | 4 |
| Disease of the Spine..... | 1 |
| Varicocele..... | 1 |
| Spermatorrhœa..... | 7 |
| Syphilis (secondary)..... | 10 |
| Scrofula..... | 1 |
| Night Sweats..... | 1 |
| Frosted Toes..... | 1 |
| Epileptic Fits..... | 2 |
| Total..... | 67 |
| Operations. | |
| Amputation of Toe..... | 1 |



